

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Letters Patent of:

Gregory M. Podsakoff et al.

Serial No.: 10/092,454

Filing Date: March 5, 2002

Patent No.: 7,238,674

Grant Date: July 3, 2007

Title: METHODS FOR DELIVERING DNA TO MUSCLE CELLS USING
RECOMBINANT ADENO-ASSOCIATED VIRUS VIRIONS

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Roberta L. Robins, state that I am an attorney of record in the above-captioned application and am a representative authorized to sign this document on behalf of Genzyme Corporation and Johns Hopkins University, the co-assignees for this invention.

2. Assignee Genzyme Corporation. is a corporation, having a place of business at 500 Kendall Street, Cambridge, MA 02142.

3. Assignee Johns Hopkins University is a university, having a place of business at 720 Rutland Avenue, Baltimore, MD 21205.

4. The co-assignees are the owners of the entire right, title and interest in the invention disclosed and claimed in the above-captioned patent, U.S. Patent No. 7,238,674 (U.S. Serial No. 10/092,454), filed March 5, 2002 and issued July 3, 2007, by virtue of assignments recorded July 31, 2003 at Reel 013842, Frames 0787 and 0754; and September 13, 2006 at Reel 018239, Frame 0292, and are also the co-owners of the entire right, title and interest in:

U.S. Patent No. 5,858,351, by virtue of assignments recorded May 20, 1996 at Reel 7946, Frame 0394; June 17, 1996 at Reel 8003, Frame 0088; and September 13, 2006 at Reel 018239, Frame 0292;

U.S. Patent No. 6,325,998, by virtue of assignments recorded May 5, 1997 at Reel 8493, Frame 0569; May 8, 1997 at Reel 8493, Frame 0150; and September 13, 2006 at Reel 018239, Frame 0292;

U.S. Patent No. 5,846,528, by virtue of assignments recorded April 29, 1997 at Reel 8473, Frame 0861; December 3, 1998 at Reel 9613, Frame 0137; and September 13, 2006 at Reel 018239, Frame 0292; and

U.S. Patent No. 6,335,011, by virtue of assignments recorded April 29, 1997 at Reel 8473, Frame 0861; December 3, 1998 at Reel 9613, Frame 0137; and September 13, 2006 at Reel 018239, Frame 0292.

5. In accordance with 37 C.F.R. §3.73(b), the undersigned hereby certifies that the evidentiary documents with respect to the assignees' ownership have been reviewed and that, to the best of her knowledge and belief, title is in the assignees seeking to take this action.

6. The assignees hereby disclaim the terminal part of U.S. Patent No. 7,238,674 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent Nos. 5,858,351; 6,325,998; 5,846,528; and 6,335,011, except as provided below, and agrees that U.S. Patent No. 7,238,674 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 5,858,351; 6,325,998; 5,846,528; and 6,335,011, this agreement to run with U.S. Patent No. 7,238,674 and to be binding upon the grantees, their successors or assigns.

7. In making this disclaimer, the assignees do not disclaim the terminal part of U.S. Patent No. 7,238,674 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent Nos. 5,858,351; 6,325,998; 5,846,528; and 6,335,011, in the event that they later (a) expire for failure to pay a maintenance fee, (b) are held unenforceable, (c) are found invalid by a court of competent jurisdiction, (d) are statutorily disclaimed in whole or terminally disclaimed

under 37 CFR 1.321, (e) have all claims cancelled by a reexamination certificate, (f) are reissued, or (g) are, in any manner, terminated prior to the expiration of its full statutory term.

8. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Executed at Palo Alto, California

By: 

Title: Attorney of Record

Date: 7/18/08